IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4467 OF 2005
IN
CRIMINAL APPEAL NO.660 OF 2005

Dnyaneshwar Deoram Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

Shri N.R.Bubna for the Applicant.

Shri S.R.Shinde, A.P.P for the Respondent.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 24, 2006.

P.C.:

1. Heard the Advocate for the Applicant and the learned A.P.P for the State. The Applicant has been convicted for offences under section 376(2)(g), section 363 and section 3(1)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The substantive sentences have been directed to run concurrently. The maximum substantive sentence is of five years for offence under section 376(2)(g). It is not in dispute that the Applicant has already undergone two years and seven months. The Appeal is not likely to be heard before the balance period of sentence is over. Considering the decision of the Apex Court in

the case of Bhagwan Rama Shinde Gosai & Others Vs. State of Gujarat [(1999) 4 Supreme Court Case Page 421], case is made out for enlarging the Applicant on bail subject to stringent conditions.

2. Hence, I pass the following order:

(i) The Applicant shall be enlarged on bail in the sum of Rs.10,000/- (Rupees Ten Thousand only) with one or two local sureties in the like amount.

(ii) The Applicant shall be enlarged on bail subject to condition that he will not enter the revenue taluka Satana, District Nasik till the final disposal of the Appeal.

(iii) Order granting bail will be given effect only after the Applicant furnishes detailed and complete address of the place of residence where he proposes to stay after bail is granted.

(iv) Order granting bail will be given effect only after the Applicant produces evidence to show

that he has paid the entire fine amount payable for various offences.

(v) Bail is granted subject to condition that the Applicant will report to local police station of the area where he is going to reside after being enlarged on bail on every first and third Saturday of every calendar month till the final disposal of the Appeal.

JUDGE